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Japan Airlines International Co., Ltd.

FILED
DISTRICT COURT OF GUAM
FEB - 9 2007
MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

ROBERTO J. DEL ROSARIO and
MELANIE DEL ROSARIO,

Plaintiffs,

vs.

JAPAN AIRLINES INTERNATIONAL
CO., LTD.,

Defendant.

CIVIL CASE NO. CIV04-00028

**DECLARATION OF ELYZE
MCDONALD REGARDING
DISCREPANCY OF DECLARATIONS
IN SUPPORT OF JAPAN AIRLINES
INTERNATIONAL CO., LTD.'S
PAYMENT OF SETTLEMENT
PROCEEDS; DECLARATION OF
SERVICE**

I, Elyze McDonald, declare under penalty of perjury the following:

1. I am one of the Counsels for Defendant Japan Airlines International Co. Ltd.
2. In November 2006, I was in Chicago, Illinois, and was not present in Guam to file an original signature page of my Declaration Regarding Japan Airlines International Co., Ltd's Payment of Settlement Proceeds filed on November 28, 2006. The original of that Declaration was submitted and filed on December 14, 2006.
3. Last month, I received a call from the Clerk's office at the District Court of Guam who informs me that my 2 Declarations appear to be different.
4. Upon my review of the Declarations, I do confirm and see the original declaration


filed on December 14, 2006, contains a paragraph 7 that is not on the facsimile declaration. The two declarations are otherwise consistent in content.

5. The reason for filing two different Declarations is explained as follows: while I was in Chicago, I executed and emailed to my office my signature page to my Declaration with instructions for filing as a facsimile, and the Declaration was filed as a facsimile on November 28, 2006. However, within minutes of sending the Declaration, I reviewed it and added the additional paragraph, executed the revised version, and emailed the signed revised version to my office with instructions for filing. I also destroyed the original of the first version because I expected that the revised version would be filed. Due to a miscommunication, however, the first version of the Declaration was filed and not the revised version.

6. Upon my return to Guam, I submitted the original of the revised Declaration and did not realize that the first version had been filed until the Clerk's office informed me of the discrepancy.

7. I apologize for any confusion this may have caused to the Court, to the Clerk's office, and to the parties. The error and miscommunication were unintentional, and did not prejudice the parties in any way. I commit to exercising more diligence to ensure that Declarations submitted as facsimiles will be properly filed with the corresponding originals.

Executed this 9th day of February 2007.



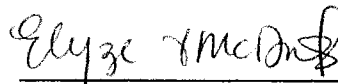
ELYZE McDONALD

DECLARATION OF SERVICE

I, Elyze J. McDonald, hereby declare under penalty of perjury of the laws of the United States, that on the 9th day of February 2007, I will cause to be served, via hand delivery, a true and correct copy of the DECLARATION OF ELYZE McDONALD REGARDING DISCREPANCY OF DECLARATIONS IN SUPPORT OF JAPAN AIRLINES INTERNATIONAL CO., LTD.'S PAYMENT OF SETTLEMENT PROCEEDS; DECLARATION OF SERVICE upon Plaintiffs Counsel of record as follows:

Howard Trapp, Esq.
Howard Trapp Incorporated
200 Saylor Building
139 Chalan Santo Papa
Hagåtña, Guam 96910

Executed this 9th day of February 2007 at Hagåtña, Guam.



ELYZE J. McDONALD